

MINNESOTA OFFICE
CANADIAN PACIFIC PLAZA
120 S. 6TH ST., STE 2600
MINNEAPOLIS, MN 55402



CALIFORNIA OFFICE
600 W. BROADWAY
SUITE 3300
SAN DIEGO, CA 92101

DANIEL J. NORDIN
dnordin@gustafsongluek.com
TEL (612) 333-8844 • FAX (612) 339-6622
MINNESOTA OFFICE

November 4, 2022

VIA ECF

The Honorable Denise Page Hood
United States District Judge
U.S. District Court
Eastern District of Michigan
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 251
Detroit, MI 48226

**Re: *The Shane Grp., Inc., et al. v. Blue Cross Blue Shield of Mich., et al.*,
Case No. 2:10-cv-14360-DPH-MKM**

Dear Judge Hood:

I write on behalf of the Class Plaintiffs in the above-captioned action regarding the letter written by Dale Schubert and filed on October 28, 2022. ECF No. 407. Because the Settlement Administrator will work with Mr. Schubert to cure any defects with his mother's claim and will not reject this claim simply because those efforts may extend past November 5, 2022, we believe that no action from the Court is necessary at this time.

The Court approved the class-wide settlement of this case on September 30, 2019. ECF No. 364. The Sixth Circuit affirmed this Court's approval on January 14, 2021. ECF No. 403. The settlement became final in July 2021 when the deadline passed to file a petition for writ of certiorari with the United States Supreme Court. At that point, the Settlement Administrator developed and began executing a procedure for processing, pursuant to a complex plan of allocation, the many claims that had been submitted.

As part of the process to guard against fraudulent claims, the Settlement Administrator sent 2,220 letters requesting further documentation to certain

The Honorable Denise Page Hood

Page 2

November 4, 2022

individual claimants who claimed out-of-pocket expenses that exceeded a certain dollar threshold. The Settlement Administrator believes that Mr. Schubert might have made a mistake when he filed his mother's claim. The suspected error caused the dollar amount of the claim to reach a level that warranted a request for additional documentation, as set forth in the letter sent to Mr. Schubert on October 11, 2022.

As noted by Mr. Schubert, the defect notice letter requested a response postmarked by November 5, 2022. However, because of Mr. Schubert's extenuating circumstances—needing to access his deceased mother's medical records—Class Counsel have instructed the Settlement Administrator to work with Mr. Schubert to help him perfect the claim on behalf of his mother's estate, even if that work is not completed until after the November 5 deadline. Class Counsel will report to the Court promptly after the Settlement Administrator completes its due diligence and determines whether Mr. Schubert's claim should be accepted or rejected.

Because Mr. Schubert will have the opportunity to cure any defects with his mother's claim past November 5, 2022, and the Court will be promptly advised of the outcome of that additional process, Class Counsel respectfully submit that there is no need for the Court to take any action at this this time.

We are available to answer any questions the Court may have.

Sincerely,

GUSTAFSON GLUEK PLLC

/s/ Daniel J. Nordin

Daniel J. Nordin

DJN/jlh

Cc: All Counsel of Record (via ECF)
Dale Schubert (via Certified U.S. Mail)